



032404

22763 U.S. PTO

22857 U.S. PTO  
10/808654

032404

**UTILITY PATENT APPLICATION TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 7016.P001  
(maximum 12 characters)First Named Inventor Rex SandwithTitle: XML GENERATOR FOR OBJECTS WITH BINARY BRANCHING TOPOLOGYExpress Mail Label No. EV320120133US

ADDRESS TO:      Mail Stop Patent Application  
                         Commissioner for Patents  
                         P.O. Box 1450  
                         Alexandria, Virginia 22313-1450

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.      X        **Fee Transmittal Form (e.g., PTO/SB/17)**  
                    (Submit an original and a duplicate for fee processing)
2.      X        **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.      X        **Specification    (Total Pages 17 )**  
                    (preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
                    or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.      X        **Drawings(s) (35 USC 113)    (Total Sheets 7 )**
5.      X        **Oath or Declaration    (Total Pages 4 )**
  - a.      X        **Newly Executed (Original or Copy)**
  - b.                Copy from a Prior Application (37 CFR 1.63(d))  
                    (for Continuation/Divisional with Box 18 completed)
    - i.                DELETIONS OF INVENTOR(S) Signed statement attached deleting  
                    inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)  
                    and 1.33(b).
  - c.                Unsigned.
6.                Application Data Sheet. (37 CFR 1.76)
7.                CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.                Nucleotide and/or Amino Acid Sequence Submission  
                    (if applicable, all necessary)
  - a.                Computer Readable Form (CRF)
  - b.                Specification Sequence Listing on:
    - i.                CD-ROM or CD-R (2 copies); or
    - ii.               paper
  - c.                Statements verifying identity of above copies

# **ACCOMPANYING APPLICATION PARTS**

9. \_\_\_\_\_ Assignment Papers (cover sheet & documents(s))
10. \_\_\_\_\_ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
       **X** b. **Power of Attorney**
11. \_\_\_\_\_ English Translation Document (if applicable)
12. \_\_\_\_\_ a. Information Disclosure Statement (IDS)/PTO-1449 (or PTO/SB/08)  
       \_\_\_\_\_ b. Copies of IDS Citations
13. \_\_\_\_\_ Preliminary Amendment
14. **X** **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. \_\_\_\_\_ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. \_\_\_\_\_ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17A. \_\_\_\_\_ Claim for Foreign Priority
- 17B. **X** **Other: separate sheet with title, express mail label number, copy of postcard, and attorney's signature**

17C. **X** Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title (e.g., by way of preliminary amendment), or in an Application Data Sheet Under 37 C.F.R. 1.76:

\_\_\_\_\_ Continuation \_\_\_\_\_ Divisional \_\_\_\_\_ Continuation-in-part (CIP)  
 Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_  
 (which is a \_\_\_\_\_ continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. \_\_\_\_\_,  
 which is a \_\_\_\_\_ continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.  
 For **CONTINUATION AND DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. Correspondence Address  
 \_\_\_\_\_ Customer Number or Bar Code Label \_\_\_\_\_  
 or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label

here)

**X** Correspondence Address Below

NAME R. Alan Burnett

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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STATE California

ZIP CODE 90025

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Name (PRINT/TYPE): R. Alan Burnett

Registration No.: 46,149

Signature: R. Alan Burnett

Date: March 24, 2004

**FEE TRANSMITTAL FOR FY 2004**

(FY 2004 Begins 10/01/2003)

**TOTAL AMOUNT OF PAYMENT (\$)** 385.00

Complete if Known:

Application No. New Patent ApplicationFiling Date HerewithFirst Named Inventor Rex SandwithExaminer Name Not yet assignedArt Unit Not yet assignedAttorney Docket No. 7016.P001☒ Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Credit any overpayments.☒ Charge any additional fees during the pendency of this application.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.☐ Charge fee(s) indicated below except for the filing fee.**FEE CALCULATION****1. BASIC FILING FEE**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility application filing fee	<u>385</u>
1002	340	2002	170	Design application filing fee	_____
1003	530	2003	265	Plant filing fee	_____
1004	770	2004	385	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____
SUBTOTAL (1) \$					<u>385</u>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

			<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>8</u>	- 20** =	<u>0</u>	X <u>18</u> =	<u>0</u>
Independent Claims	<u>2</u>	- 3** =	<u>0</u>	X <u>86</u> =	<u>0</u>
Multiple Dependent					= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent0
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent0

SUBTOTAL (2) \$ 0

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>		
<u>Code</u>	<u>(\$)</u>	<u>Code</u>	<u>(\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	110	2251	55	Extension for reply within first month	_____
1252	420	2252	210	Extension for reply within second month	_____
1253	950	2253	475	Extension for reply within third month	_____
1254	1,480	2254	740	Extension for reply within fourth month	_____
1255	2,010	2255	1,005	Extension for reply within fifth month	_____
1401	330	2401	165	Notice of Appeal	_____
1402	330	2402	165	Filing a brief in support of an appeal	_____
1403	290	2403	145	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	110	2452	55	Petition to revive - unavoidable	_____
1453	1,330	2453	665	Petition to revive - unintentional	_____
1501	1,330	2501	665	Utility issue fee (or reissue)	_____
1502	480	2502	240	Design issue fee	_____
1503	640	2503	320	Plant issue fee	_____
1460	130	1460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	110	2814	55	Statutory Disclaimer	_____
1810	770	2810	385	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	770	2801	385	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: R. Alan BurnettSignature: R. Alan Burnett Date: March 24, 2004Reg. Number: 46,149 Telephone Number: (206) 292-8600

Send to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Our Reference: 7016.P001

Patent

**XML GENERATOR FOR OBJECTS WITH BINARY BRANCHING TOPOLOGY**

Inventor: Rex Sandwith

Respectfully submitted,

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**



R. Alan Burnett  
Reg. No. 46,149

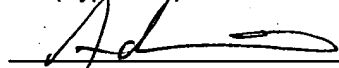
"Express Mail" mailing label number: EV320120133US

Date of Deposit: March 24, 2004

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Adrian Villarreal

(Typed or printed name of person mailing paper or fee)

 March 24, 2004  
(Signature of person mailing paper or fee) (Date signed)

Serial/Patent No. <u>New Patent Application</u> Filing/Issue Date: <u>Herewith</u>	
Client: <u>Rex Sandwith</u>	
Title: <u>XML GENERATOR FOR OBJECTS WITH BINARY BRANCHING TOPOLOGY</u>	
BSTZ File No.: <u>7016.P001</u>	Atty/Secty Initials: <u>RAB/av</u>
Date Mailed: <u>March 24, 2004</u>	Docket Due Date: _____
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:	
<input type="checkbox"/> Amendment/Response (____ pgs.)	<input checked="" type="checkbox"/> Express Mail No. <u>EV320120133US</u> <input checked="" type="checkbox"/> Check No. <u>3428</u>
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Month(s) Extension of Time Amt: <u>\$385.00</u>
<input checked="" type="checkbox"/> Application - Utility ( <u>17</u> pgs., with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.) <input type="checkbox"/> Check No. _____
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Issue Fee Transmittal Amt: _____
<input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Application - Design (____ pgs.)	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Preliminary Amendment (____ pgs.)
<input type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Reply Brief (____ pgs.)
<input checked="" type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Response to Notice of Missing Parts
<input type="checkbox"/> Declaration & POA ( <u>4</u> pgs.)	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business
<input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.)	<input checked="" type="checkbox"/> Transmittal Letter, in duplicate
<input checked="" type="checkbox"/> Drawings: <u>7</u> # of sheets includes <u>10</u> figures	<input checked="" type="checkbox"/> Fee Transmittal, in duplicate
<input checked="" type="checkbox"/> Other: <u>Certificate of Mailing with copy of return postcard signed by the attorney</u>	